

11-28-01

BOX SEC A



# UTILITY PATENT APPLICATION TRANSMITTAL

## (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

DEX-0267

Total Pages in this Submission

10/001813  
10/001813  
10/001813  
10/001813

11/20/01

TO THE ASSISTANT COMMISSIONER FOR PATENTSBox Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**COMPOSITIONS AND METHODS RELATING TO BREAST SPECIFIC GENES AND PROTEINS**

and invented by:

Salceda et al.

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

 Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

 Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

 Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 146 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
DEX-0267

Total Pages in this Submission

**Application Elements (Continued)**

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets \_\_\_\_\_
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6.  Computer Program in Microfiche (*Appendix*)
7.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Paper Copy
  - b.  Computer Readable Copy (*identical to computer copy*)
  - c.  Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8.  Assignment Papers (*cover sheet & document(s)*)
9.  37 CFR 3.73(B) Statement (*when there is an assignee*)
10.  English Translation Document (*if applicable*)
11.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.:* EV051546930US)

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

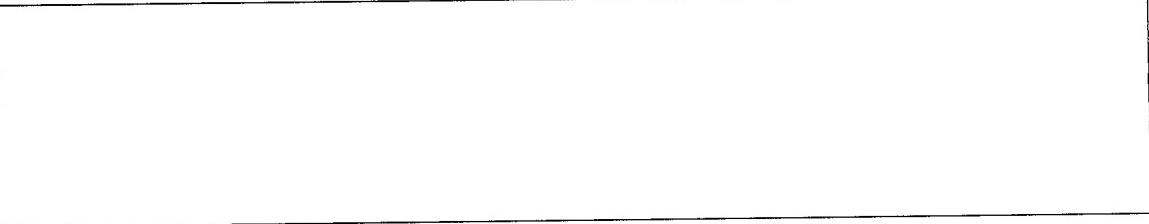
*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
DEX-0267

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)

16.  Additional Enclosures (*please identify below*):  


**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

17.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

*An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.*

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
DEX-0267

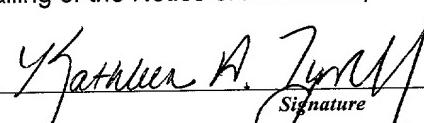
Total Pages in this Submission

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	19	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$280.00
					\$740.00
OTHER FEE (specify purpose) _____					\$0.00
					<b>TOTAL FILING FEE</b> \$1,020.00

- A check in the amount of **\$1,020.00** to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1619** as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Kathleen A. Tyrrell  
Signature

Kathleen A. Tyrrell, Registration No. 38,350

Dated: November 20, 2001

Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, N.J. 08053  
Tel: 856-810-1515  
Fax: 856-810-1454

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **DEX-0267**

Applicant: **diaDexus, Inc.**

Inventors: **Salceda et al.**

Serial No.: **Not yet assigned**

Filing Date: **November 20, 2001**

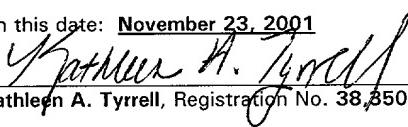
Examiner: **Not yet assigned**

Group Art Unit: **Not yet assigned**

Title: **Compositions and Methods Relating to  
Breast Specific Genes and Proteins**

I, Kathleen A. Tyrrell, Registration No. 38,350, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On this date: November 23, 2001

  
Kathleen A. Tyrrell, Registration No. 38,350

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**Statement to Support Attempted Express Mailing**

On November 20, 2001, I, Kathleen A. Tyrrell deposited U.S. Utility Patent Application, Attorney Docket Number DEX-0267 with the United States Post Office in Marlton, NJ with Express Mail Label EV051546930US. The Express Mail package was returned to sender on November 21, 2001.

*I hereby declare that the statements made herein of my own knowledge are true and that all statements made on information and*

*Receipt date granted  
is 11/20/01.  
J. Chang  
from OPLA*

Attorney Docket No.: **DEX-0267**  
Inventors: **Salceda et al.**  
Serial No.: **Not yet assigned**  
Filing Date: **November 20, 2001**  
Page 2

belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon, or any patent to which this verified statement is directed.

Kathleen A. Tyrrell  
Kathleen A. Tyrrell  
Licata & Tyrrell P.C.  
66 East Main Street  
Marlton, NJ 08053

11-23-2001  
Date

DEX-0267

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No. EV051546930US

Date of Deposit: November 20, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R 1.10 on the date indicated above and is addressed to the "BOX SEQUENCE", Assistant Commissioner for Patents, Washington, D.C. 20231.

- 1) Patent Application Transmittal Letter (2 copies);
- 2) Application consisting of 146 pages of Specification, including three (3) pages of Claims and one (1) page of Abstract;
- 3) Return Postcard;
- 4) Unexecuted Declaration and Power of Attorney;
- 5) Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825;
- 6) Sequence listing;
- 7) Diskette containing computer readable copy of Sequence Listing;
- 8) Check in the amount of \$1,020.00 for filing fee.

  
\_\_\_\_\_  
KATHLEEN A. TYRELL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **DEX-0267**

Inventors: **Salceda et al.**

Serial No.: **Not yet assigned**

Filing Date: **Herewith**

Examiner: **Not yet assigned**

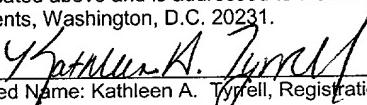
Group Art Unit: **Not yet assigned**

Title: **Compositions and Methods Relating to  
Breast Specific Genes and Proteins**

"Express Mail" Label No. **EV051546930US**

Date of Deposit - **November 20, 2001**

I hereby certify that this paper is being deposited with  
the United States Postal Service "Express Mail Post Office  
to Addressee" service under 37 CFR 1.10 on the date  
indicated above and is addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231.

By   
Typed Name: **Kathleen A. Tyrell, Registration No. 38,350**

**BOX SEQUENCE**

Assistant Commissioner for Patents  
Washington, DC 20231

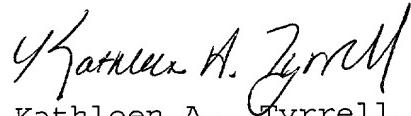
Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- (XX) I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- ( ) I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.

- ( ) I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- ( ) I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing were made to conform with the current Sequence Listing rules. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

Respectfully submitted,

  
Kathleen A. Tyrrell  
Registration No. 38,350

Date: November 20, 2001

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515